

Sec. 2. 1993 Iowa Acts, chapter 173, section 1, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining at the end of any fiscal year from the appropriations made in subsections 1 and 2 shall not revert but shall be available for expenditure during subsequent fiscal years until expended for the purposes for which originally appropriated.

Sec. 3. 1993 Iowa Acts, chapter 173, section 2, is amended to read as follows:

SEC. 2. 1986 Iowa Acts, chapter 1249, section 4, unnumbered paragraph 1, as amended by 1987 Iowa Acts, chapter 230, section 8; 1988 Iowa Acts, chapter 1281, section 6; 1989 Iowa Acts, chapter 312, section 6; 1990 Iowa Acts, chapter 1265, section 3; 1991 Iowa Acts, chapter 270, section 3; and 1992 Iowa Acts, chapter 1233, section 4, is amended to read as follows:

There is appropriated from the funds available in the energy conservation trust, established in section 473.11, for the fiscal period beginning July 1, 1986, and ending June 30, 1995, of the fiscal year during which these appropriations were completely expended, to the department of natural resources for disbursement under section 473.11, the following amounts, or so much thereof as is necessary, to be used for the purposes designated consistent with the expressed legislative intent of this Act:

Sec. 4. DEPARTMENT OF HUMAN RIGHTS LOW-INCOME WEATHERIZATION FUNDING. The department of human rights shall propose a funding mechanism which shall be submitted to the general assembly by December 31, 1994, which shall generate an additional five hundred thousand dollars to one million dollars annually to be used for energy weatherization for low-income persons.

Approved May 10, 1994

CHAPTER 1193

APPROPRIATIONS — EDUCATION

H.F. 2411

AN ACT relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

DEPARTMENT OF EDUCATION

Section 1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,011,404
.....	FTEs	93.95

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	631,884
.....	FTEs	18.32

3. VOCATIONAL REHABILITATION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,473,754
.....	FTEs	278.00

It is the intent of the general assembly that the division of vocational rehabilitation services of the department of education shall seek, in addition to state appropriations, funds other than federal funds, which may include but are not limited to local funds, for purposes of matching federal vocational rehabilitation funds.

Notwithstanding the full-time equivalent position limit established in this subsection for the fiscal year ending June 30, 1995, if federal funding is available to pay the costs of additional employees for the vocational rehabilitation division who would have duties relating to vocational rehabilitation services paid for through federal funding, authorization to hire not more than four full-time equivalent employees shall be provided, the full-time equivalent position limit shall be exceeded, and the additional employees shall be hired by the division.

b. For matching funds for programs to enable severely physically or mentally disabled persons to function more independently, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	21,620
.....	FTEs	1.50

4. BOARD OF EDUCATIONAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	185,749
.....	FTEs	2.00

5. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,716,859
.....	FTEs	14.00

6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a non-public school as authorized by section 301.1. The funding is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils:

.....	\$	616,000
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7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

To assist a vocational agriculture youth organization sponsored by the schools to support the foundation established by that vocational agriculture youth organization and for other youth activities:

.....	\$	59,400
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8. STATE LIBRARY

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,377,075
.....	FTEs	33.50

9. REGIONAL LIBRARY

For state aid:

.....	\$	1,457,000
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10. CENTER FOR ASSESSMENT

For the purpose of developing academic standards in the areas of math, history, science, English, language arts, and geography:

.....	\$	300,000
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11. IMAGES

For allocation to Merged Area XI to be used for grants to students for the Iowa minority academic grants for economic success program under sections 261.101 through 261.105:

..... \$ 60,000

Merged Area XI shall distribute that portion of the funds to a private institution of higher education cooperating with Merged Area XI, for purposes of the Iowa minority academic grants for economic success program, equal to the number of students who are enrolled and participating in the program at the private institution compared to the number of students who are enrolled and participating in the program at the two institutions.

12. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,137,333
 FTEs 97.00

13. CORRECTIONS EDUCATION PROGRAM

For educational programs at state penal institutions:

..... \$ 1,850,600

14. ASSESSMENT

For participation by the department of education in a state and national project to determine the academic achievement of Iowa students in math, reading, science, United States history, or geography:

..... \$ 50,000

15. FAMILY RESOURCE CENTERS

For support of the family resource center demonstration program established under chapter 256C:

..... \$ 120,000

16. COMMUNITY COLLEGES

Notwithstanding chapter 260D, for general state financial aid, including general financial aid to merged areas in lieu of personal property tax replacement payments under section 427A.13, to merged areas as defined in section 260C.2, for vocational education programs in accordance with chapters 258 and 260C, to purchase instructional equipment for vocational and technical courses of instruction in community colleges, and for salary increases:

..... \$ 99,020,486

The funds appropriated in this subsection shall be allocated as follows:

- a. Merged Area I \$ 4,655,995
- b. Merged Area II \$ 5,603,450
- c. Merged Area III \$ 5,305,361
- d. Merged Area IV \$ 2,498,578
- e. Merged Area V \$ 5,389,288
- f. Merged Area VI \$ 5,008,716
- g. Merged Area VII \$ 6,879,876
- h. Merged Area IX \$ 8,732,354
- i. Merged Area X \$ 13,559,285
- j. Merged Area XI \$ 14,514,295
- k. Merged Area XII \$ 5,681,099
- l. Merged Area XIII \$ 5,885,862
- m. Merged Area XIV \$ 2,604,048
- n. Merged Area XV \$ 8,139,290
- o. Merged Area XVI \$ 4,562,989

Sec. 2. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. Notwithstanding chapter 260D for state financial aid, including general financial aid to merged areas in lieu of personal property tax replacement payments under section 427A.13, to merged areas to be accrued as income and used for expenditures incurred by the community colleges during the fiscal year beginning July 1, 1994, and ending June 30, 1995:

..... \$ 16,450,231

The funds appropriated in this section shall be allocated as follows:

- a. Merged Area I \$ 777,072
- b. Merged Area II \$ 930,993
- c. Merged Area III \$ 894,475
- d. Merged Area IV \$ 423,103
- e. Merged Area V \$ 897,586
- f. Merged Area VI \$ 836,461
- g. Merged Area VII \$ 1,152,178
- h. Merged Area IX \$ 1,446,020
- i. Merged Area X \$ 2,232,424
- j. Merged Area XI \$ 2,414,311
- k. Merged Area XII \$ 948,649
- l. Merged Area XIII \$ 974,188
- m. Merged Area XIV \$ 431,773
- n. Merged Area XV \$ 1,335,675
- o. Merged Area XVI \$ 755,323

2. Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1995.

Sec. 3. Notwithstanding the appropriation provided in section 294A.25, subsection 1, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

To supplement the appropriation in section 294A.25 for phase II:

..... \$ 535,755

Sec. 4. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For expenditures incurred by school districts during the previous fiscal year for vocational education aid to secondary schools:

..... \$ 3,308,850

Funds appropriated in this section shall be used for expenditures made by school districts to meet the standards set in sections 256.11, 258.4, and 260C.23 as a result of the enactment of 1989 Iowa Acts, chapter 278. Funds shall be used as reimbursement for vocational education expenditures made by secondary schools in the manner provided by the department of education for implementation of the standards set in 1989 Iowa Acts, chapter 278.

Sec. 5. 1993 Iowa Acts, chapter 179, section 1, subsection 5, unnumbered paragraph 2, is amended to read as follows:

The moneys appropriated by this subsection shall be reduced by \$50,000 if If an increase in the fees charged by the board of educational examiners does not result in an increase of at least \$50,000 in revenues to the board during the fiscal year beginning July 1, 1993, the moneys appropriated by this subsection shall be reduced in an amount equal to the difference between the total amount of revenues resulting from the fee increase and \$50,000.

Sec. 6. 1993 Iowa Acts, chapter 180, section 62, is amended to read as follows:

SEC. 62. IMAGES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the amount of \$60,000 to be allocated to Merged Area XI, to be used for the purposes of grants

to students for the Iowa minority academic grants for economic success program under sections 261.101 through 261.105. Merged Area XI shall distribute that portion of the funds to a private institution of higher education cooperating with Merged Area XI, for purposes of the Iowa minority academic grants for economic success program, equal to the number of students who are enrolled and participating in the program at the private institution compared to the number of students who are enrolled and participating in the program at the two institutions.

COLLEGE STUDENT AID COMMISSION

Sec. 7. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	301,470
.....	FTEs	7.05

From the moneys appropriated in this subsection, \$5,000 for the fiscal year beginning July 1, 1994, and ending June 30, 1995, shall be expended to fund the Iowa community scholarship program, and shall not be used to pay, supplement, or supplant the salaries of the employees of the college student aid commission.

The college student aid commission shall conduct a study, in cooperation with Palmer college of chiropractic, of the financial needs of Iowa resident chiropractic students and the demand for chiropractic health care practitioners in Iowa to determine the feasibility of establishing a chiropractic forgivable loan program modeled after the osteopathic forgivable loan program. The commission shall submit its findings to the general assembly by January 3, 1995.

2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH SCIENCES

a. For forgivable loans to Iowa students attending the university of osteopathic medicine and health sciences, under the forgivable loan program pursuant to section 261.19A:

.....	\$	379,260
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b. For the university of osteopathic medicine and health sciences for an initiative in primary health care to direct primary care physicians to shortage areas in the state:

.....	\$	395,000
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From the moneys appropriated in this lettered paragraph, at least \$272,500 for the fiscal year beginning July 1, 1994, and ending June 30, 1995, shall be dedicated to reducing the student loan debt for resident Iowa students in return for a fixed period of medical service in the state of Iowa. The university of osteopathic medicine and health sciences shall report quarterly to the legislative fiscal bureau concerning the expenditure of funds appropriated in this lettered paragraph.

3. STUDENT AID PROGRAMS

For payments to students for student aid programs:

.....	\$	1,469,790
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From the moneys appropriated in this subsection, \$1,397,790 for the fiscal year beginning July 1, 1994, and ending June 30, 1995, shall be expended for an Iowa grant program, with funds to be allocated to institutions pursuant to section 261.93A. The remainder shall be allocated for the graduate student financial assistance program.

4. COMMUNITY SCHOLARSHIP PROGRAM

For funding the Iowa community scholarship program:

.....	\$	5,000
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Moneys appropriated in this subsection shall not be used to pay, supplement, or supplant the salaries of employees of the college student aid commission.

Sec. 8. There is appropriated from the loan reserve account to the college student aid commission for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as may be necessary, to be used for the purposes designated:

For operating costs of the Stafford loan program including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,748,061
.....	FTEs	33.27

STATE BOARD OF REGENTS

Sec. 9. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,090,723
.....	FTEs	15.63

If the moneys provided in this lettered paragraph are augmented by reimbursements from the institutions under the control of the state board of regents for the funding of the office of the state board of regents, the office shall report quarterly such reimbursements to the chairpersons and ranking members of the joint appropriations subcommittee on education.

The state board of regents shall conduct the following studies:

(1) A comparison of need-based and academic-based federal and state student financial aid programs to determine the trends and demands for state and federal financial aid programs.

(2) A study of the supply and the current and projected demand for state and federal student financial aid programs at the institutions of higher learning under the control of the state board of regents.

(3) A study to determine whether there is a need to increase funding of student financial aid programs to accommodate increasing numbers of nontraditional students in institutions of higher learning under the control of the state board of regents.

The state board of regents shall submit a report of its findings and recommendations to the general assembly by January 1, 1995. Included in the report shall be the state board of regents' anticipated plans for need-based and academic-based student financial aid programs.

b. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

.....	\$	25,843,645
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The state board of regents, the department of management, and the legislative fiscal bureau shall cooperate to determine and agree upon, by November 15, 1994, the amount that needs to be appropriated for tuition replacement for the fiscal year beginning July 1, 1995.

c. For funds to be allocated to the southwest Iowa graduate studies center:

.....	\$	68,165
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d. For funds to be allocated to the siouxland interstate metropolitan planning council for the tristate graduate center under section 262.9, subsection 21:

.....	\$	67,750
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e. For funds to be allocated to the quad-cities graduate studies center:

.....	\$	144,104
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2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	183,680,721
.....	FTEs	3,999.37

b. For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

.....	\$	630,000
.....	FTEs	5.60

From the moneys appropriated in this lettered paragraph, \$330,000 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

c. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous purposes and for medical and surgical treatment of indigent patients as provided in chapter 255, and for not more than the following full-time equivalent positions:

.....	\$	28,182,097
.....	FTEs	5,614.36

Funds appropriated in this lettered paragraph shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this lettered paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

The total quota allocated to the counties for indigent patients for the fiscal year beginning July 1, 1994, shall not be lower than the total quota allocated to the counties for the fiscal year commencing July 1, 1993. The total quota shall be allocated among the counties on the basis of the 1990 census pursuant to section 255.16.

d. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment, and maintenance of committed and voluntary public patients, and for not more than the following full-time equivalent positions:

.....	\$	6,821,774
.....	FTEs	302.28

e. Hospital-school

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,479,934
.....	FTEs	172.00

f. Oakdale campus

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,767,936
.....	FTEs	63.58

g. State hygienic laboratory

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,021,202
.....	FTEs	100.69

h. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	1,779,326
.....	FTEs	153.74

i. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	422,671
.....	FTEs	11.04

j. Agricultural health and safety programs

For agricultural health and safety programs, and for not more than the following full-time equivalent positions:

.....	\$	243,811
.....	FTEs	3.48

k. Statewide tumor registry

For the statewide tumor registry, and for not more than the following full-time equivalent positions:

.....	\$	185,696
.....	FTEs	3.07

l. Substance abuse consortium

For funds to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent positions:

.....	\$	60,889
.....	FTEs	1.15

m. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	1,280,078
.....	FTEs	4.00

n. National advanced driving simulator

For the national advanced driving simulator, and for not more than the following full-time equivalent positions:

.....	\$	269,342
.....	FTEs	4.40

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	146,400,798
.....	FTEs	3,556.28

From the moneys appropriated in this lettered paragraph, \$25,000 for the fiscal year beginning July 1, 1994, and ending June 30, 1995, shall be expended by the university to contract for services with the department of public health, for purposes of granting funds to a child farm safety program.

b. Agricultural experiment station

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	30,000,424
.....	FTEs	515.95

From the moneys appropriated in this lettered paragraph, for the fiscal year beginning July 1, 1994, and ending June 30, 1995, \$100,000 shall be expended to support a beginning farmer center as provided in section 266.39D, as enacted in this Act.

c. Cooperative extension service in agriculture and home economics

For salaries, support, maintenance, and miscellaneous purposes, including salaries and support for the fire service institute, and for not more than the following full-time equivalent positions:

.....	\$	17,653,873
.....	FTEs	428.28

d. Leopold center

For agricultural research grants at Iowa state university under section 266.39B, and for not more than the following full-time equivalent positions:

.....	\$	555,331
.....	FTEs	12.29

e. For deposit in and the use of the livestock disease research fund under section 267.8, and for not more than the following full-time equivalent positions:

.....	\$	276,186
.....	FTEs	3.37

4. UNIVERSITY OF NORTHERN IOWA

a. For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	65,812,919
.....	FTEs	1,426.31

b. Recycling and reuse center:

.....	\$	239,745
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5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,151,492
.....	FTEs	124.14

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,400,643
.....	FTEs	84.83

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing and transportation costs for students at these schools pursuant to section 270.5:

.....	\$	11,232
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Sec. 10. Reallocations of sums received under section 9, subsections 2, 3, 4, 5, and 6, of this Act, including sums received for salaries, shall be reported on a quarterly basis to the co-chairpersons and ranking members of the legislative fiscal committee and the joint appropriations subcommittee on education.

Sec. 11. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 12. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the department of human services shall continue the supplemental disproportionate share and a supplemental indirect medical education adjustment applicable to state-owned acute care hospitals with more than 500 beds and shall reimburse qualifying hospitals pursuant to that adjustment with a supplemental amount for services provided medical assistance recipients. The adjustment shall generate supplemental payments intended to equal the state appropriation made to a qualifying hospital for treatment of indigent patients as provided in chapter 255. To the extent of the supplemental payments, a qualifying hospital shall, after receipt of the funds, transfer to the department of human services an amount equal to the actual supplemental payments that were made in that month. The aggregate amounts for the fiscal year shall not exceed the state appropriation made to the qualifying hospital for treatment of indigent patients as provided in chapter 255. The department of human services shall deposit the portion of these funds equal to the state share in the department's medical assistance account and the balance shall be credited to the general fund of the state. To the extent that state funds appropriated to a qualifying hospital for the treatment of indigent patients as provided in chapter 255 have been transferred to the department of human services as a result of these supplemental payments made to the qualifying hospital, the department shall not, directly or indirectly, recoup the supplemental payments made to a qualifying hospital for any reason, unless an equivalent amount of the funds transferred to the department of human services by a qualifying hospital pursuant to this provision is transferred to the qualifying hospital by the department.

If the state supplemental amount allotted to the state of Iowa for the federal fiscal year beginning October 1, 1994, and ending September 30, 1995, pursuant to section 1923 (f)(3) of the federal Social Security Act, as amended, or pursuant to federal payments for indirect medical education is greater than the amount necessary to fund the federal share of the supplemental payments specified in the preceding paragraph, the department of human services shall increase the supplemental disproportionate share or supplemental indirect medical education adjustment by the lesser of the amount necessary to utilize fully the state supplemental amount or the amount of state funds appropriated to the state university of Iowa general education fund and allocated to the university for the college of medicine. The state university of Iowa shall transfer from the allocation for the college of medicine to the department of human services, on a monthly basis, an amount equal to the additional supplemental payments made during the previous month pursuant to this paragraph. A qualifying hospital receiving supplemental payments pursuant to this paragraph that are greater than the state appropriation made to the qualifying hospital for treatment of indigent patients as provided in chapter 255 shall be obligated as a condition of its participation in the medical assistance program to transfer to the state university of Iowa general education fund on a monthly basis an amount equal to the funds transferred by the state university of Iowa to the department of human services. To the extent that state funds appropriated to the state university of Iowa and allocated to the college of medicine have been transferred to the department of human services as a result of these supplemental payments made to the qualifying hospital, the department shall not, directly or indirectly, recoup these supplemental payments made to a qualifying hospital for any reason, unless an equivalent amount of the funds transferred to the department of human services by the state university of Iowa pursuant to this paragraph is transferred to the qualifying hospital by the department.

Continuation of the supplemental disproportionate share and supplemental indirect medical education adjustment shall preserve the funds available to the university hospital for medical and surgical treatment of indigent patients as provided in chapter 255 and to the state university of Iowa for educational purposes at the same level as provided by the state funds initially appropriated for that purpose.

The department of human services shall, in any compilation of data or other report distributed to the public concerning payments to providers under the medical assistance program, set forth reimbursements to a qualifying hospital through the supplemental disproportionate share and supplemental indirect medical education adjustment as a separate item and shall not include such payments in the amounts otherwise reported as the reimbursement to a qualifying hospital for services to medical assistance recipients.

For purposes of this section, "supplemental payment" means a supplemental payment amount paid for medical assistance to a hospital qualifying for that payment under this section.

DEPARTMENT OF CULTURAL AFFAIRS

Sec. 13. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ARTS DIVISION

For salaries, support, maintenance, miscellaneous purposes, including funds to match federal grants, for areawide arts and cultural service organizations that meet the requirements of chapter 303C, and for not more than the following full-time equivalent positions:

.....	\$	1,041,120
.....	FTEs	10.00

2. HISTORICAL DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,282,706
.....	FTEs	56.00

3. HISTORIC SITES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	223,674
.....	FTEs	3.00

4. ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	257,469
.....	FTEs	4.30

5. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3, and for not more than the following full-time equivalent position:

.....	\$	702,626
.....	FTEs	.70

Sec. 14. Notwithstanding section 8.33, funds appropriated in 1993 Iowa Acts, chapter 179, section 6, subsection 2, remaining unencumbered or unobligated on June 30, 1994, shall not revert to the general fund of the state but shall be available for expenditure for purposes of the higher education strategic planning council during the fiscal year beginning July 1, 1994, and ending June 30, 1995.

Sec. 15. Notwithstanding sections 257B.1 and 257B.1A, for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the portion of the interest earned on the permanent school fund that is not transferred to the credit of the first in the nation in education foundation and not transferred to the credit of the national center for gifted and talented education shall be credited as a payment by the historical division of the department of cultural affairs of the principal and interest due on moneys loaned to the historical division under section 303.18.

Sec. 16. Funds appropriated for state scholarships pursuant to section 261.25, subsection 2, for the fiscal year beginning July 1, 1994, and ending June 30, 1995, shall be used in their entirety to fund scholarships to eligible students, and the college student aid commission shall not place an across-the-board ceiling on the amount distributed under the state scholarship program.

Sec. 17. Section 256.7, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 24. Adopt rules that require the board of directors of a school district to waive school fees for indigent families.

Sec. 18. Section 256.52, subsection 3, paragraph c, Code Supplement 1993, is amended to read as follows:

c. Control all property of the division. The state librarian may dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the state library of Iowa. These materials may be sold by the state library directly or the library may sell the materials by consignment with an outside entity. A state library fund is created in the state treasury. Proceeds from the sale of the library materials shall be remitted to the treasurer of state and credited to the state library fund and shall be used for the purchase of books and other library materials. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 19. Section 261.25, subsection 1, Code Supplement 1993, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~thirty-one~~ thirty-two million ~~five~~ four hundred ~~twenty-three~~ twenty-two thousand ~~nine~~ three hundred ~~thirty~~ sixty-two dollars for tuition grants.

Sec. 20. Section 261.25, subsection 3, Code Supplement 1993, is amended to read as follows:

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of one million ~~three~~ four hundred ~~eighty-five~~ twenty-four thousand seven hundred eighty dollars for vocational-technical tuition grants.

Sec. 21. Section 262.9, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 29. Authorize the institutions of higher learning under the board to charge an interest rate, not to exceed the prime rate plus six percent, on delinquent bills. However, the board shall prohibit the institutions from charging interest on late tuition payments and room and board payments if financial aid payments to students enrolled in the institutions are delayed by the lending institution.

Sec. 22. NEW SECTION. 266.39D BEGINNING FARMER CENTER.

1. A beginning farmer center is established as a part of the Iowa cooperative extension service in agriculture and home economics at Iowa state university of science and technology to assist individuals beginning farming operations. The center shall also assist in facilitating the transition of farming operations from established farmers to beginning farmers, including by matching purchasers and sellers of agricultural land, creating and maintaining an information base inventorying land and facilities available for acquisition, and developing models to increase the number of family farming operations in this state. The objectives of the beginning farmer center shall include, but are not limited to, the following:

a. To provide the coordination of education programs and services for beginning farmer efforts statewide.

b. To assess needs of beginning farmers and retiring farmers in order to identify program and service opportunities.

c. To develop, coordinate, and deliver statewide through the Iowa cooperative extension service in agriculture and home economics, and other entities as appropriate, targeted education to beginning farmers and retiring farm families.

2. Programs and services provided by the beginning farmer center shall include, but are not limited to, the development of skills and knowledge in financial management and planning, legal issues, tax laws, technical production and management, leadership, sustainable agriculture, human health, the environment, and leadership.

3. The beginning farmer center shall submit to the general assembly, annually on or before January 15, a report that includes but is not limited to recommendations for methods by which more individuals may be encouraged to enter agriculture.

Sec. 23. Section 283A.1, subsection 4, Code 1993, is amended to read as follows:

4. "School breakfast or lunch program" means a program under which breakfasts or lunches are served by any public school in the state of Iowa on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

Sec. 24. Section 283A.2, Code 1993, is amended to read as follows:

283A.2 SCHOOL BOARDS — RULES LUNCH AND BREAKFAST PROGRAMS.

1. School boards may ~~operate or provide for the operation of school lunch programs in schools under their jurisdiction, and may use gifts, funds disbursed to them under the provisions of this chapter, gifts, funds received from sale of school breakfasts or lunches under such programs, and any other funds legally available for that~~ the purpose of operating a school breakfast or lunch program.

2. All school districts shall operate or provide for the operation of school breakfast and lunch programs at all public schools in each district. The programs shall provide students with nutritionally adequate meals and shall be operated in compliance with the rules of the state board of education and pertinent federal rules law and regulation, for all students in each district who attend public school ~~four or more hours each school day~~ and wish to participate in a school breakfast or lunch program. ~~School districts may provide school lunch programs for other students.~~

3. Effective July 1, 1999, all school districts shall operate or provide for the operation of school breakfast programs at all public schools in each district. The programs shall provide students with nutritionally adequate meals and shall be operated in compliance with the rules of the state board of education and pertinent federal law and regulation, for all students in each district who attend public school and who wish to participate in a school breakfast program. A school or school district unable to meet the requirement to provide a school breakfast program may, not later than June 1, 1999, for the school year beginning July 1, 1999, file a written request to the department of education that the department waive the requirement for that school or school district. The written request shall include the reason for which the waiver is being requested. The state board shall evaluate the application for waiver, determine the validity of the reason for which the waiver is being requested, and grant or deny the application for waiver. The state board shall establish criteria for determination of the validity of reasons for waiver of the requirement that school breakfast programs be operated at each school. However, the state board shall not waive the school breakfast program requirement for a school if thirty-five percent or more of the students in attendance at the school during the month of March 1999 were eligible for free or reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785.

Sec. 25. Section 283A.3, Code 1993, is amended to read as follows:

283A.3 EXPENDITURE OF FEDERAL FUNDS.

The director of the department of education is ~~hereby authorized to~~ shall accept and direct the disbursement of funds appropriated by any Act of Congress and appropriated to the state of Iowa for use in connection with school breakfast or lunch programs. The director shall deposit ~~all such~~ the funds with the treasurer of the state of Iowa, who shall make disbursements ~~therefrom~~ upon the direction of the director.

Sec. 26. Section 283A.4, Code 1993, is amended to read as follows:

283A.4 ADMINISTRATION OF PROGRAM.

The director of the department of education may enter into ~~such~~ agreements with any agency of the federal government, with any school board, or with any other agency or person, ~~prescribe such regulations~~ adopt rules, employ ~~such~~ personnel, and take ~~such~~ other action as the director may deem necessary to provide for the establishment, maintenance, operation, and expansion of any school breakfast or lunch program, and to direct the disbursement of federal and state funds, in accordance with any applicable provisions of federal or state law. The director may give technical advice and assistance to any school board in connection with the establishment and operation of any school breakfast or lunch program and may assist in training ~~such~~ personnel engaged in the operation of ~~such~~ the program. The director of the department of education and any school board may accept any gift for use in connection with any school breakfast or lunch program.

Sec. 27. Section 283A.5, Code 1993, is amended to read as follows:

283A.5 ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS.

The director of the department of education shall ~~prescribe regulations~~ adopt rules for the keeping of accounts and records and the making of reports by or under the supervision of school boards. ~~Such~~ The accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five years, as the director may lawfully prescribe. The director shall conduct or cause to be conducted such audits and inspections with respect to school breakfast or lunch programs as may be necessary to determine whether its agreement with school boards and ~~regulations~~ made rules adopted pursuant to this chapter are being complied with, and to insure that school breakfast or lunch programs are effectively administered and nutritionally adequate meals are served.

Sec. 28. Section 283A.7, Code 1993, is amended to read as follows:

283A.7 FEDERAL BENEFITS ACCEPTED.

The provisions of the Acts of Congress known as the ~~national school lunch~~ federal National School Lunch Act and the ~~child nutrition~~ federal Child Nutrition Act of 1966, ~~found in 42 U.S. Code~~ U.S.C. § 1751—1785, and the benefit of all funds appropriated under ~~said~~ the Acts, are ~~hereby~~ accepted by the state of Iowa.

Sec. 29. Section 283A.8, Code 1993, is amended to read as follows:

283A.8 USE OF SCHOOL LUNCH MEAL FACILITIES BY SENIOR CITIZENS.

Boards of directors of school corporations may authorize the use by senior citizen organizations of school ~~lunch~~ meal facilities subject to reasonable rules and regulations of the board. Such use shall not interfere with the use of the facilities for public school purposes. The board may charge for such use an amount not to exceed the cost to the district.

Sec. 30. Section 283A.9, Code 1993, is amended to read as follows:

283A.9 BUILDING FOR SCHOOL LUNCH MEAL FACILITY.

School districts may purchase, erect, or otherwise acquire a building for use as a school ~~lunch~~ meal facility, and equip a building for that use, and pay for the acquisition or equipping from unencumbered funds on hand in the schoolhouse fund, subject to the terms of this section, or may pay for the facility or equipment from the proceeds of the sale of school property sold under section 297.22, or from surplus remaining in the schoolhouse fund after retirement of a bond issue.

Sec. 31. Section 283A.10, Code 1993, is amended to read as follows:

283A.10 SCHOOL BREAKFAST OR LUNCH IN NONPUBLIC SCHOOLS.

The authorities in charge of nonpublic schools may operate or provide for the operation of school breakfast or lunch programs in schools under their jurisdiction and may use funds appropriated to them by the general assembly, gifts, funds received from sale of school breakfasts or lunches under such programs, and any other funds available to the nonpublic school. However, school breakfast or lunch programs shall not be required in nonpublic

schools. The department of education shall direct the disbursement of state funds to nonpublic schools for school breakfast or lunch programs in the same manner as state funds are disbursed to public schools. If a nonpublic school receives state funds for the operation of a school breakfast or lunch program, meals served under the program shall be nutritionally adequate meals, as defined in section 283A.1.

Sec. 32. Section 294A.25, subsection 8, Code Supplement 1993, is amended to read as follows:

8. For the fiscal year beginning July 1, ~~1993~~ 1994, to the department of education from phase III moneys the amount of ~~seven hundred fifty thousand one million~~ dollars for support for the operations of the new Iowa schools development corporation and for school transformation design and implementation projects administered by the corporation and the amount of ~~seven hundred fifty thousand~~ dollars for purposes specified in the math and science grant program under section ~~256.36~~, which may include support for the early mathematics prognostic testing program at Iowa state university of science and technology. However, the funds appropriated for purposes specified in the math and science grant program under section ~~256.36~~ are contingent on the receipt of federal funding from the state systemic initiative for improving mathematics and science education grant. If federal funding from the state systems initiative for improving mathematics and science education is not received, the amount of ~~two hundred fifty thousand~~ dollars shall be used, in addition to any other appropriations, for the operations of the new Iowa schools development corporation and for school transformation design and implementation projects administered by the corporation.

Sec. 33. FUNDS TRANSFERRED.

1. For the fiscal year beginning July 1, 1994, the amount of fifty thousand dollars from additional funds transferred from phase I to phase III is to be paid to the department of education for support of the Iowa mathematics and science coalition.

2. For the fiscal year beginning July 1, 1994, the amount of one hundred fifty thousand dollars is to be paid to the department of education from additional funds transferred from phase I to phase III for support of the school and community planning program. Notwithstanding section 294A.20, if the additional funds transferred from phase I to phase III are insufficient for purposes of the appropriation provided under this subsection, moneys allocated to phase III, which would otherwise revert to the general fund under section 294A.20, shall be transferred to the department in an amount sufficient to fully fund the appropriation made under this subsection. If funds available from the specified sources are insufficient to fully fund the appropriation, the amount appropriated to the department under this subsection shall be reduced to an amount equal to the available funds.

Sec. 34. IMPLEMENTATION PLAN. The department of cultural affairs shall develop an implementation plan for the arts and cultural enhancement program, the Iowa arts and cultural endowment account, and the regional conferences and statewide caucus on arts and cultural enhancement, under chapter 303C of the Iowa Code. The department shall submit the implementation plan to the standing committee on education and the joint appropriations subcommittees on education of the senate and the house of representatives by January 1, 1995.

Sec. 35. The amounts appropriated in sections 2 and 4 of this Act shall be reduced by any amount appropriated to the GAAP deficit reduction account established in section 8.57, subsection 2, which shall be spent during the fiscal year beginning July 1, 1994, for the purposes for which moneys are appropriated in sections 2 and 4 of this Act.

Sec. 36. REPEAL. Effective July 1, 2000, section 283A.2, subsection 3, as enacted in this Act, is amended by striking the subsection.

Sec. 37. REPEAL. Chapter 272D, Code 1993, is repealed on July 1, 1995.

Sec. 38. EFFECTIVE DATE. Section 283A.2, subsection 2, as created and amended in this Act, takes effect July 1, 2000.

Sec. 39. Sections 5, 6, and 14 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved May 10, 1994

CHAPTER 1194

FEDERAL BLOCK GRANT APPROPRIATIONS

H.F. 2323

AN ACT appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective and applicability date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the Iowa department of public health for the federal fiscal year beginning October 1, 1994, and ending September 30, 1995, the following amount:

..... \$ 9,769,497

Funds appropriated by this subsection are the anticipated funds to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title XIX, Subtitle B, section 202, which provides for the substance abuse prevention and treatment block grant. The department shall expend the funds appropriated by this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

Of the funds appropriated in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

Of the amount appropriated in this subsection, an amount not less than five percent shall be used to increase, from the amount available in fiscal years beginning July 1, 1991, and July 1, 1992, the amount available for treatment services for pregnant women and women with dependent children with provisions that prenatal and child care be provided to those women while they are in treatment.

Of the funds appropriated in this subsection, an amount not exceeding \$24,585 shall be used for audits, including a study of the effectiveness of treatment programs.

2. The funds remaining from the appropriation made in subsection 1 shall be allocated as follows:

- a. At least 20 percent of the allocation shall be for prevention programs.
- b. At least thirty-five percent of the allocation shall be spent on drug treatment and prevention activities.
- c. At least thirty-five percent of the allocation shall be spent on alcohol treatment and prevention activities.

3. The substance abuse block grant funds received from the federal government in excess of the amount of the anticipated federal fiscal year 1994-1995 award appropriated in subsection 1 shall be distributed at least fifty percent to treatment programs and fifty percent to prevention programs except that, based upon federal guidelines, the total amount of the excess awarded to prevention programs shall not exceed \$1,000,000.